

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JETHRO INONG,

Plaintiff,

-against-

FUJIFILM NORTH AMERICA
CORPORATION,

Defendant.

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ORDER

22-CV-09720 (PMH)

PHILIP M. HALPERN, United States District Judge:

Counsel for all parties appeared by telephone for a pre-motion. The Court heard argument from the parties concerning the arguments raised by defendant in support of its anticipated motion to dismiss and plaintiff's opposition thereto. (Doc. 8; Doc. 9). The following claims were withdrawn and are hereby dismissed on consent of plaintiff: (i) the second claim for relief alleging violations of the "consumer fraud acts of the states in the consumer fraud multi-state class"; (ii) the third claim for relief to the extent it alleges a claim for implied warranty; and (iii) the fourth claim for relief for unjust enrichment.


The Court granted plaintiff leave to leave the complaint in accordance with the foregoing, to substitute and revise the first claim for relief alleging violations of the New York General Business Law, and to revise/bolster his allegations in light of the comments made on the record during the conference, and no other amendments. The amended complaint shall be filed by April 20, 2023. The Court directed the parties to meet and confer by April 27, 2023 to discuss any grounds for dismissal with respect to the amended complaint in an effort to avoid motion practice or at least to limit the issues to be raised in any motion to dismiss. If necessary, on April 27, 2023, defendant may file a letter requesting another pre-motion conference with the Court. If there are

any new grounds for an anticipated motion to dismiss beyond those discussed at the conference concerning the express warranty and any California statutory claims, defendant shall set out those new grounds in the April 27th letter to the Court.

The Court set the following briefing schedule: defendant's motion to dismiss shall be served, not filed, by May 18, 2023; opposition shall be served, not filed, by June 14, 2023; reply shall be served, not filed, by June 28, 2023; and all papers shall be filed on or before the reply date, June 28, 2023.

Dated: White Plains, New York
April 13, 2023

SO ORDERED:



Philip M. Halpern
United States District Judge